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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,109	01/31/2001	Susan M. Janz	10003904-1	6315

7590 10/23/2003

HEWLETT-PACKARD COMPANY  
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EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
2172	4

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/775,109	JANZ ET AL.
	<b>Examiner</b>	Art Unit Alford W. Kindred 2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 August 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

1. Claims 1-20 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by McCurdy et al., US 2002/0035697 A1.

As per claims 1-2, 4 and 6, McCurdy et al. teaches “reading, from an input record, a record unique device identification . . .” (see col. 3, lines [0109]-[0110]) “searching an index for an enduring unique device . . .” (see col. 3, lines [0111]-[0112]) “updating the index with the recorded device data” (see col. 8, lines [0115]-[0116]).

As per claim 3, McCurdy et al. teaches “an enduring usage data from an enduring record . . . calculating a difference in usage data . . .” (see col. 8, lines [0116]-[0118]).

As per claim 5, McCurdy et al. teaches “updating enduring device data from an enduring record in the index . . . unique device identification” (see col. 10, lines [0142]-[0144]).

As per claim 7, McCurdy et al. teaches “tracking updates to the index” (see col. 20, lines [0302]-[0303]).

As per claims 8-14, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-7 and are similarly rejected.

As per claims 15-20, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-7 and are similarly rejected.

#### ***Response to Arguments***

4. Applicant's arguments filed 8/14/03 have been fully considered but they are not persuasive.

As per applicant's arguments regarding McCurdy does not disclose the reader 78 or any other device having a unique device identification”, have been considered but examiner maintains that McCurdy's “Zino Reader” #78 is programmed to interact with the system #50 and clearly includes the regulating of user access and therefore reads on applicant's claim language above. Further the user's password and credentials are considered to be unique to the user and the user's device, which reads on applicant's claim language.

As per applicant's arguments regarding McCurdy “does not disclose identifying the device itself or reading a recorded unique device identification”, have been considered but examiner maintains that McCurdy's securities measures includes “biometric security devices are used for authentications and or **identification . . .**”

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which clearly reads on applicant's claim language above. The identification element in McCurdy is unique because each user and device has a different and specific identifier.

As per applicant's arguments regarding "nothing in McCurdy discloses searching and index . . . McCurdy discloses no structure configured to record or read unique device identifications", examiner maintains that McCurdy's ability to access and acquire content electronically, clearly teaches the searching of data, since the content in McCurdy is index and the searching mechanism processes the accessing via an index element. Further, McCurdy's electronic content is indexed and assigned identifiers for accessing purposes.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Klm Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100